

**CITY OF FORT WORTH, TEXAS  
REGULAR CITY COUNCIL MEETING  
JANUARY 14, 2014**

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**Present:**

Mayor Betsy Price  
Mayor Pro tem W.B. "Zim" Zimmerman, District 3  
Council Member Salvador Espino, District 2  
Council Member Daniel Scarth, District 4  
Council Member Gyna M. Bivens, District 5  
Council Member Jungus Jordan, District 6  
Council Member Dennis Shingleton, District 7  
Council Member Kelly Allen Gray, District 8  
Council Member Joel Burns, District 9

**Staff Present:**

Tom Higgins, City Manager  
Sarah Fullenwider, City Attorney  
Mary Kayser, City Secretary

**I.      CALL TO ORDER**

With a quorum of the City Council Members present, Mayor Price called the regular session of the Fort Worth City Council to order at 7:11 p.m. on Tuesday, January 14, 2014, in the City Council Chamber of the Fort Worth City Hall, 1000 Throckmorton Street, Fort Worth, Texas 76102.

**II.      INVOCATION - Reverend James C. Brown, Sweet Home Baptist Church**

The invocation was provided by Reverend James C. Brown, Sweet Home Baptist Church.

**III.     PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

**IV.     CONSIDERATION OF MINUTES OF REGULAR MEETING OF JANUARY 7, 2014**

Motion:      Council Member Burns made a motion, seconded by Council Member Shingleton, that the minutes of the Regular meeting of January 7, 2014, be approved. The motion carried unanimously 9 ayes to 0 nays.

**V.      ITEMS TO BE WITHDRAWN FROM THE CONSENT AGENDA**

There were no items to be withdrawn from the Consent Agenda.

**VI. ITEMS TO BE CONTINUED OR WITHDRAWN BY STAFF**

There were no items to be continued or withdrawn by staff.

**VII. CONSENT AGENDA**

Motion: Mayor Pro tem Zimmerman made a motion, seconded by Council Member Scarth, that the Consent Agenda be approved. The motion carried unanimously 9 ayes to 0 nays.

**A. General - Consent Items**

1. **M&C G-18107 - Authorize Purchase of Excess Workers' Compensation Insurance Policy for 2014 from Safety National Casualty Corporation Through McGriff, Seibels & Williams of Texas, Inc., in the Amount of \$553,585.00 (ALL COUNCIL DISTRICTS)**

The City Council approved the following recommendation: Authorize the purchase of an Excess Workers' Compensation Insurance Policy from Safety National Casualty Corporation through McGriff, Seibels & Williams of Texas, Inc., in the amount of \$553,585.00.

2. **M&C G-18108 - Approve Extension of Injury Leave-of-Absence Pay Benefits in the Amount of \$49,150.14 for Police Officer John Bell for the Period of January 30, 2014 Through July 29, 2014 (ALL COUNCIL DISTRICTS)**

The City Council approved the following recommendation: Approve an extension of injury leave-of-absence pay benefits in the amount of \$49,150.14 for Police Officer John Bell for a six-month period beginning January 30, 2014, and extending through July 29, 2014.

**B. Purchase of Equipment, Materials, and Services - Consent Items**

1. **M&C P-11616 - Authorize Purchase of a F-550 Off Road Lube Truck for the Equipment Services Department from Caldwell Country Ford in the Amount of \$107,924.00 Using a Cooperative Contract (ALL COUNCIL DISTRICTS)**

The City Council approved the following recommendation: Authorize the purchase of an F-550 off road lube truck for the Equipment Services Department from Caldwell Country Ford, in the amount of \$107,924.00 using Texas Association of School Boards Cooperative Contract No. 358-10.

**C. Land - Consent Items**

- 1. M&C L-15649 - Authorize Payment to Fort Worth Area Habitat for Humanity Inc., in the Amount of \$8,764.70 in Settlement of a Claim Against the City of Fort Worth, Authorize Sale of Tax-Foreclosed Property Located at 2624 Stuart to Habitat for Humanity Inc., and Accept Ownership of Property Located at 2101 May Street from Habitat for Humanity Inc. (COUNCIL DISTRICT 9)**

The City Council approved the following recommendation: Authorize the sale of tax-foreclosed property described as Lot 21, Rogers and Stuart Addition, located at 2624 Stuart Drive to Fort Worth Area Habitat for Humanity Inc., in accordance with Section 34.05 of the Texas Tax Code and authorize payment by the City of Fort Worth of the purchase price in the amount of \$8,764.70, plus closing costs, in settlement of claim by Habitat for Humanity Inc.; authorize the execution and recording of the appropriate instruments conveying the property to complete the sale; and authorize the acceptance of property located at 2101 May Street from Habitat for Humanity Inc.

- 2. M&C L-15650 - Authorize Direct Sale of Five Tax-Foreclosed Properties Located at 2722 Columbus Avenue, 1312 South Henderson Street, 4520 Miller Avenue, 0 North Freeway, and 313 Sargent Street for a Total Amount of \$52,050.92, in Accordance with Section 34.05 of the Texas Tax Code (COUNCIL DISTRICTS 2, 8 and 9)**

The City Council approved the following recommendation: Authorize the direct sale of five tax-foreclosed properties located at 2722 Columbus Avenue, described as the north part of Lot 24, Block 61, Rosen Heights #1 Addition, 1312 South Henderson Street, described as Lot 4R, Block A, King Subdivision, Field Welch Addition, 4520 Miller Avenue, described as Lot 7, Block A, Kaywood Heights Addition, 0 North Freeway, described as Lot 6, less right-of-way, Block 2, Greenway Place East Addition, and 313 Sargent Street, described as Lot 4, Block B1, Turner Subdivision Beacon Hill, for a total amount of \$52,050.92, in accordance with Section 34.05 of the Texas Tax Code; and authorize the execution and recording of the appropriate instruments conveying the properties to complete the sales.

- 3. M&C L-15651 - Authorize Redemption of a Tax-Foreclosed Property Located at 5936 Humbert Avenue by John E. Hudson in the Amount of \$23,127.85, in Accordance with Section 34.21(e) of the Texas Tax Code (COUNCIL DISTRICT 3)**

The City Council approved the following recommendation: Approve the redemption of the tax-foreclosure property located at 5936 Humbert Avenue by John E. Hudson in the amount of \$23,127.85, in accordance with Section 34-21(e) of the Texas Tax Code; and authorize the execution and recording of the appropriate instruments conveying the property.

4. **M&C L-15652 - Authorize Acquisition of an Easement Interest for Permanent Drainage in 0.035 Acres of Land and an Easement Interest for Temporary Construction in 0.036 Acres of Land Owned by Alexander L. Nicol and Katherine Nicol Located at 3882 South Hills Circle for the Arundel Storm Drain Improvement Project, Authorize Payment in the Amount of \$192,638.00 and Pay Estimated Closing Costs Up to \$4,000.00 (COUNCIL DISTRICT 3)**

The City Council approved the following recommendation: Authorize the acquisition of an easement interest for permanent drainage in 0.035 acres of land and an easement interest for temporary construction in 0.036 acres of land owned by Alexander L. Nicol and Katherine Nicol located at 3882 South Hills Circle for the Arundel Storm Drain Improvement Project; find that \$192,638.00 is just compensation for needed property interest; authorize payment of \$192,638.00 to Alexander L. Nicol and Katherine Nicol, along with payment of the estimated closing costs up to \$4,000.00, for acquisition of the easement interests; and authorize the City Manager or his designee to execute all documents related to the acquisition of the easement interests, accept the conveyances and record the appropriate instruments.

5. **M&C L-15653 - Authorize Acquisition of a Fee Simple Interest in 0.506 Acres of Land in an Improved Lot Located at 6105 South Ridge Road from David A. Frisby in the Amount of \$146,200.00 for the Greenfield Acres Drainage Improvement Project, Pay Estimated Closing Costs Up to \$5,000.00 for a Total Cost of \$151,200.00 and Authorize the Payment of Relocation Assistance Estimated in the Amount of \$40,000.00 (COUNCIL DISTRICT 7)**

The City Council approved the following recommendation: Authorize the acquisition of a fee simple interest in 0.506 acres of land in an improved lot described as the east ½ of Lot 10, Block 7, Greenfield Acres Addition, located at 6105 South Ridge Road, Fort Worth, Texas, from David A. Frisby in the amount of \$146,200.00 for the Greenfield Acres Drainage Improvement Project; find that the total purchase price in the amount of \$146,200.00 is just compensation; authorize the City Manager or his designee to accept the conveyance, pay just compensation, record the appropriate instruments and pay estimated closing costs up to \$5,000.00; and authorize the payment of relocation assistance estimated in the amount of \$40,000.00.

**D. Planning & Zoning - Consent Items**

1. **M&C PZ-3047 - Adopt Ordinance Vacating a Portion of an Alley Between West Rosedale Street and Oleander Avenue for Additional Property to Provide for a Larger Building Footprint (COUNCIL DISTRICT 9)**

The City Council approved the following recommendation: Adopt Ordinance No. 21092-01-2014 vacating and extinguishing a portion of a public alley between West Rosedale Street and Oleander Avenue adjacent to Lot 1AR of E.E. Chase Subdivision of Block 13 of the Fields Subdivision of the William Welch Survey, an addition to the City of Fort Worth, Tarrant County, Texas; containing approximately 220 square feet of land; providing for reversion of fee in said land; the retainment of existing utility easements for a larger building footprint; and waive any and all purchase fee value of the vacated land in accordance with City Policy (Mayor and Council Communication G-15624).

**2. M&C PZ-3048 - Adopt Ordinance Vacating a Portion of an Alley Between South Freeway and Evans Avenue for a New Gas Station and Convenience Store (COUNCIL DISTRICT 8)**

The City Council approved the following recommendation: Adopt Ordinance No. 21093-01-2014 vacating and extinguishing a portion of a 15-foot strip of land between South Freeway and Evans Avenue in Block 20 of Hyde Park Addition to the City of Fort Worth, Tarrant County, Texas; containing approximately 2,475 square feet of land; providing for the reversion of fee in said land; the retainment of existing utility easements for a new gas station and convenience store; and waive any and all purchase fee value of the vacated land in accordance with City Policy (Mayor and Council Communication G-15624).

**E. Award of Contract - Consent Items**

**1. M&C C-26628 - Authorize Execution of a Communications System Agreement with the Fort Worth Transportation Authority for Participation in the City of Fort Worth's Two-Way Public Safety Radio System at No Cost to the City of Fort Worth (ALL COUNCIL DISTRICTS)**

The City Council approved the following recommendation: Authorize the execution of a Communication Systems Agreement with the Fort Worth Transportation Authority for participation in the City of Fort Worth's Two-Way Public Safety Radio System. The Fort Worth Transportation Authority will reimburse its share of operations and maintenance to ensure no cost to the City of Fort Worth with annual reimbursement estimated to be approximately in the amount of \$80,640.00. In addition, the Fort Worth Transportation Authority will reimburse the City of Fort Worth for its share of the Software Upgrade Agreement.

**2. M&C C-26629 - Authorize Execution of a Communications System Agreement with the City of Haltom City for Participation in the City of Fort Worth's Two-Way Public Safety Radio System at No Cost to the City of Fort Worth (ALL COUNCIL DISTRICTS)**

The City Council approved the following recommendation: Authorize the execution of a Communication Systems Agreement with the City of Haltom City for participation in the City of Fort Worth's Two-Way Public Safety Radio System. The City of Haltom City will reimburse its share of operations and maintenance to ensure no cost to the City of Fort Worth with annual reimbursement estimated to be approximately in the amount of \$56,736.00. In addition, the City of Haltom City will reimburse the City of Fort Worth for its share of the Software Upgrade Agreement.

3. **M&C C-26630 - Authorize Execution of a Communications System Agreement with the Area Metropolitan Ambulance Authority d/b/a Medstar for Participation in the City of Fort Worth's Two-Way Public Safety Radio System at No Cost to the City of Fort Worth (ALL COUNCIL DISTRICTS)**

The City Council approved the following recommendation: Authorize the execution of a Communication Systems Agreement with the Area Metropolitan Ambulance Authority d/b/a Medstar for participation in the City of Fort Worth's Two-Way Public Safety Radio System. The Area Metropolitan Ambulance Authority d/b/a Medstar will reimburse its share of operations and maintenance to ensure no cost to the City of Fort Worth with annual reimbursement estimated to be approximately in the amount of \$75,744.00. In addition, the Area Metropolitan Ambulance Authority d/b/a Medstar will reimburse the City of Fort Worth for its share of the Software Upgrade Agreement.

4. **M&C C-26631 - Authorize Execution of a Communications System Agreement with the Town of Westover Hills for Participation in the City of Fort Worth's Two-Way Public Safety Radio System at No Cost to the City of Fort Worth (ALL COUNCIL DISTRICTS)**

The City Council approved the following recommendation: Authorize the execution of a Communication Systems Agreement with the Town of Westover Hills for participation in the City of Fort Worth's Two-Way Public Safety Radio System. The Town of Westover Hills will reimburse its share of operations and maintenance to ensure no cost to the City of Fort Worth with annual reimbursement estimated to be approximately in the amount of \$6,336.00. In addition, the Town of Westover Hills will reimburse the City of Fort Worth for its share of the Software Upgrade Agreement.

5. **M&C C-26632 - Authorize Execution of a Professional Services Agreement with Halff Associates, Inc., in the Amount Not to Exceed \$250,000.00 for Drainage Design Review Services, Increasing the Estimated Receipts and Appropriations in the Stormwater Utility Fund in the Amount of \$250,000.00, Decreasing the Available Cash Balance by the Same Amount and Adopt Appropriation Ordinance (ALL COUNCIL DISTRICTS)**

The City Council approved the following recommendation: Authorize the execution of a Professional Services Agreement with Halff Associates, Inc., for an amount not to exceed \$250,000.00 for drainage design review services; and adopt Supplemental Appropriation Ordinance No. 21094-01-2014 increasing the estimated receipts and appropriations in the Stormwater Utility Fund in the amount of \$250,000.00, decreasing the available cash balance by the same amount, for the same purpose as reflected above.

6. **M&C C-26633 - Authorize Execution of Change Order No. 2 to City Secretary Contract No. 43783 with JLB Contracting, LLC, in the Amount of \$240,421.86 to Rehabilitate Street Sections of Pate Drive, Putnam Street, Stark Street, Park Hill Drive, Dryden Road and Alton Road, Thereby Increasing the Total Contract Amount to \$1,968,473.22 and Adopt Appropriation Ordinances (COUNCIL DISTRICTS 3, 5 and 9)**

The City Council approved the following recommendation: Authorize a transfer in the amount of \$120,242.02 from the Water and Sewer Fund in the amounts of \$60,121.01 to the Water Capital Projects Fund and \$60,121.01 to the Sewer Capital Projects Fund; adopt Appropriation Ordinance No. 21095-01-2014 increasing estimated receipts and appropriations in the Water Capital Projects Fund in the amount of \$60,121.01 from available funds, for the purpose of funding the execution of Change Order No. 2 to City Secretary Contract No. 43783 with JLB Contracting, LLC; adopt Appropriation Ordinance No. 21096-01-2014 increasing the estimated receipts and appropriations in the Sewer Capital Projects Fund in the amount of \$60,121.01 from available funds, for the same purpose as reflected above; and authorize the execution of Change Order No. 2 to City Secretary Contract No. 43783 with JLB Contracting, LLC, in the amount of \$240,421.86 to rehabilitate sections of Pate Drive, Putnam Street, Stark Street, Park Hill Drive, Dryden Road and Alton Road, thereby increasing the total contract amount to \$1,968,473.22.

7. **M&C C-26634 - Adopt Resolution in Support of the City of Hurst's Application for Flood Protection Planning Grant Assistance from the Texas Water Development Board, Authorize Execution of an Interlocal Agreement with the City of Hurst in the Amount of \$9,000.00 to Participate in a Watershed Study of the Valley View Branch Watershed Within the City of Hurst, the City of Bedford, and the City of Fort Worth, Contingent on the Award of Grant Funds to the City of Hurst by the Texas Water Development Board (COUNCIL DISTRICT 5)**

The City Council approved the following recommendation: Adopt Resolution No. 4275-01-2014 supporting the City of Hurst's application for Flood Protection Planning Grant Assistance filed with the Texas Water Development Board; and authorize the execution of an Interlocal Agreement with the City of Hurst in the amount of \$9,000.00 to participate in a Watershed Study of the Valley View Branch Watershed within the City of Hurst, the City of Bedford, and the City of Fort Worth, contingent upon an award of grant funds to the City of Hurst by the Texas Water Development Board.

8. **M&C C-26635 - Authorize Execution of an Agreement with Freese & Nichols, Inc., in the Amount of \$320,000.00 for Miscellaneous Stream Geomorphological Assessments to Control Erosion (ALL COUNCIL DISTRICTS)**

The City Council approved the following recommendation: Authorize the execution of an agreement with Freese & Nichols, Inc., in the amount of \$320,000.00 for technical services provided for miscellaneous stream geomorphological assessments to control erosion.

9. **M&C C-26636 - Authorize Execution of Agreements for Street Light Installation Services City-Wide with Bean Electrical, Inc., and Independent Utility Construction Incorporated Each in the Amount Up to \$500,000.00 (ALL COUNCIL DISTRICTS)**

The City Council approved the following recommendation: Authorize execution of an agreement for task order-based installation of street lights with Bean Electrical, Inc., in the amount up to \$500,000.00 with a term of one year and providing two additional renewal options at the earlier expiration of the funds or time; and authorize execution of an agreement for task order-based installation of street lights with Independent Utility Construction Incorporated in the amount up to \$500,000.00 for a term of one year and providing two additional renewal options at the earlier expiration of the funds or time.

10. **M&C C-26637 - Authorize Execution of a Stormwater Facility Maintenance Agreement with Lena Pope Home, Inc., for Property Located on the Corner of Donnelly Avenue and Sanguinet Street, Containing 0.336 Acres of Land in Lot 1R, Block 4, Chamberlin Arlington Heights Addition, at no Expense to the City (COUNCIL DISTRICT 9)**

The City Council approved the following recommendation: Authorize the execution of a Stormwater Facility Maintenance Agreement with Lena Pope Home, Inc., for property located on the corner of Donnelly Avenue and Sanguinet Street, containing 0.336 acres of land in Lot 1R, Block 4, Chamberlin Arlington Heights Addition, at no expense to the City.

11. **M&C C-26638 - Authorize Execution of Amendment No. 4 to City Secretary Contract No. 42547, an Engineering Services Agreement with Transystems Corporation Consultants in the Amount of \$48,910.00 for Design Surveys and Subsurface Utility Engineering to Prepare the Final Design of a Four-Lane Divided Arterial Road on Mark IV Parkway from the Westbound Frontage Road of IH-820 to Cantrell-Samson Road in North Fort Worth for a Revised Total Contract in the Amount of \$393,069.00 (COUNCIL DISTRICT 2)**

The City Council approved the following recommendation: Authorize execution of Amendment No. 4 to City Secretary Contract No. 42547, an Engineering Services Agreement with Transystems Corporation Consultants in the amount of \$48,910.00, for the collection of design surveys and subsurface utility engineering in order to prepare plans for the final design of a four-lane divided arterial roadway on Mark IV Parkway from westbound frontage road of IH-820 to Cantrell-Samson Road in north Fort Worth for a revised total contract in the amount of \$393,069.00.



**12. M&C C-26639 - Authorize Execution of Amendment No. 2 to City Secretary Contract No. 28384, a Hangar Lease Agreement with GHA Terminal, LLC, for Site Expansion and Add a Lease Renewal Option for Lease Site 11N Located at Fort Worth Meacham International Airport (COUNCIL DISTRICT 2)**

The City Council approved the following recommendation: Authorize the execution of Amendment No. 2 to City Secretary Contract No. 28384, a Hangar Lease Agreement with GHA Terminal, LLC, for site expansion and add a lease renewal option for lease site 11N located at Fort Worth Meacham International Airport.

**13. M&C C-26640 - Authorize Design-Build Contract with CP&Y, Inc., in the Amount of \$859,189.60 for the Fabrication and Installation of Online Water Quality Monitoring Stations at Various Locations for the Fort Worth Water Department (COUNCIL DISTRICTS 3, 7, 8 and 9)**

The City Council approved the following recommendation: Authorize the City Manager to enter into a design-build contract with CP&Y, Inc., in the amount of \$859,189.60, for services associated with the design, fabrication and installation of Online Water Quality Monitoring Stations at various locations for the Fort Worth Water Department.

**14. M&C C-26641 - Authorize Execution of Change Order No. 1 to City Secretary Contract No. 45076 with Cole Construction, Inc., in the Amount of \$276,969.60 for Additional Park Improvements in the Marine Creek Park Corridor for a Revised Contract Amount of \$2,661,834.70 (COUNCIL DISTRICT 2)**

The City Council approved the following recommendation: Authorize the execution of Change Order No. 1 to City Secretary Contract No. 45076 with Cole Construction, Inc., in the amount of \$276,969.60 for additional park improvements in the Marine Creek Park Corridor for a revised contract amount of \$2,661,834.70.

**VIII. PRESENTATIONS BY THE CITY SECRETARY - CONSENT ITEMS**

**1. OCS - 1910 - Notice of Claims for Alleged Damages and/or Injuries**

End of Consent Agenda.

**IX. SPECIAL PRESENTATIONS, INTRODUCTIONS, ETC.**

**1. [Presentation of the Fort Worth Stock Show and Rodeo](#)**

Mayor Price introduced Mr. Ed Bass, Chairman, Southwestern Exposition and Livestock Show. He gave a brief presentation and handed out Stock Show badges to members of the City Council.

City Secretary Kayser stated that Mayor and Council Communications G-18110 was a donation and would be moved up on the agenda.

**B. General**

**3. M&C G-18110 - Authorize Acceptance of Donations Valued at \$80,000.00 from Fort Worth Botanical Society, Inc., for Various Improvements to the Fort Worth Botanic Garden (COUNCIL DISTRICT 7)**

It was recommended that the City Council authorize the acceptance of donations valued at \$80,000.00 from the Fort Worth Botanical Society, Inc., for various improvements to the Fort Worth Botanic Garden.

Motion: Council Member Shingleton made a motion, seconded by Council Member Jordan, that Mayor and Council Communication G-18110 be approved with appreciation. The motion carried unanimously 9 ayes to 0 nays.

**X. ANNOUNCEMENTS BY CITY COUNCIL MEMBERS AND STAFF**

**1. Upcoming and Recent Events**

Mayor Price announced DFW Airport's 40<sup>th</sup> Anniversary. She stated that the first flight arrived just after midnight on January 13, 1974, from New York. She added that the airport continued to fuel economic activity in the region and would for decades to come.

Council Member Allen Gray announced upcoming and recent events within District 8.

**2. Recognition of Citizens**

There was no recognition of citizens.

**3. Approval of Ceremonial Travel**

There was no approval of ceremonial travel.

**XI. PRESENTATIONS BY THE CITY COUNCIL**

**1. Changes in Membership on Boards and Commissions**

Motion: On behalf of the Legislative and Intergovernmental Affairs Committee, Council Member Scarth made a motion, seconded by Council Member Shingleton, that Mr. Bradley C. Haskovec be appointed to Place 3 of the Animal Shelter Advisory Committee effective January 14, 2014, and with a term expiring October 1, 2015. The motion carried unanimously 9 ayes to 0 nays.

Motion: Council Member Scarth made a motion, seconded by Council Member Bivens, that Mr. Bob Riley be appointed to Place 4 of the Board of Adjustment - Commercial effective March 1, 2014, and with a term expiring October 1, 2014. The motion carried unanimously 9 ayes to 0 nays.

**XII. PRESENTATIONS AND/OR COMMUNICATIONS FROM BOARDS, COMMISSIONS AND/OR CITY COUNCIL COMMITTEES**

There were no presentations and/or communications from boards, commissions and/or City Council committees.

**XIII. RESOLUTIONS**

**1. A Resolution to Notify the Board of Trustees of the Employees' Retirement Fund of the City of Fort Worth that the Fort Worth City Council Intends to Consider and Vote on Amendments to the Retirement Ordinance for Fire Fighters Hired Before July 1, 2014, and Fire Fighters Hired After July 1, 2014, that will Reduce a Non-Accrued Benefit Provided by the Retirement System**

It was recommended that the City Council adopt a resolution to notify the Board of Trustees of the Employees' Retirement Fund of the City of Fort Worth that the Fort Worth City Council intends to consider and vote on amendments to the retirement ordinance for fire fighters hired before July 1, 2014, and fire fighters hired after July 1, 2014, that will reduce a non-accrued benefit provided by the retirement system.

Motion: Council Member Scarth made a motion, seconded by Council Member Shingleton, that Resolution No. 4276-01-2014 be adopted. The motion carried unanimously 9 ayes to 0 nays.

**2. A Resolution Appointing Members to the Area Metropolitan Ambulance Authority Board**

It was recommended that the City Council adopt a resolution appointing Dr. Darrin D'Agostino and re-appointing Dr. Rajesh Ghandi to the Area Metropolitan Ambulance Authority Board effective January 14, 2014, and with terms expiring September 30, 2016.

Motion: Council Member Scarth made a motion, seconded by Mayor Pro tem Zimmerman, that Resolution No. 4277-01-2014 be adopted. The motion carried unanimously 9 ayes to 0 nays.

**XIV. REPORT OF THE CITY MANAGER**

**B. General**

**1. [M&C G-18068 - Approve Findings of City of Fort Worth Municipal Judge Benita F. Harper Regarding the Application of Maredi Corporation d/b/a United Cab Service to Operate Eighty Taxicabs Within the City of Fort Worth and Adopt Ordinance Granting Authority \(ALL COUNCIL DISTRICTS\) \(Continued from a Previous Meeting\)](#)**

It was recommended that the City Council Consider and adopt the following recommendations of City of Fort Worth Municipal Judge Benita F. Harper: that Maredi Corporation d/b/a United Cab Service has provided to the Ground Transportation Coordinator a satisfactory application for operating authority under Fort Worth Code of Ordinances section 34-203; that Maredi Corporation d/b/a United Cab Service has demonstrated the probable permanency and quality of service, the experience in rendering such services in neighboring areas, and the past record and experience in claims handling (there were no judgments) to claimants relating to operations; that Maredi Corporation d/b/a United Cab Service has demonstrated the financial ability to provide the service described in the application, and respond to claims arising thereunder by reason of business operations, injury to persons or damage to property resulting from operation of a vehicle for hire service; the character and condition of Maredi Corporation's d/b/a United Cab Service vehicles satisfy all requirements of the City of Fort Worth for taxicabs; that Maredi Corporation d/b/a United Cab Service and its officers, directors and persons with an economic interest have the necessary character and past operating record to operate as requested under the application; that all taxicabs in Maredi Corporation's d/b/a United Cab Service [fleet] are dedicated to servicing Fort Worth or neighboring areas; the information presented during the hearing demonstrates that the public necessity and convenience as defined in the Fort Worth Code of Ordinances will be served by the granting of the application; that the general welfare of the citizens of the City of Fort Worth will best be served by authorizing Maredi Corporation d/b/a United Cab Service to operate 80 taxicabs upon City streets, alleys and thoroughfares; and adopt an ordinance granting the privilege of operating authority to Maredi Corporation d/b/a United Cab Service for the use of the streets, alleys, and public thoroughfares of the City in its conduct of its taxicab business, which shall consist of the operation of 80 taxicabs for a one-year period beginning on the effective date; specifying the terms and conditions of the grant; providing a severability clause; making this ordinance cumulative of all ordinances; providing for a penalty; and providing for written acceptance by Maredi Corporation d/b/a United Cab Service subject to and conditioned on Maredi Corporation d/b/a United Cab Service complying with all requirements of Chapter 34, Article VI of the Code of the City of Fort Worth (1986), as amended.

Mr. Kelly Hollingsworth, 1225 Corporate Drive, Suite H, appeared before Council in support of Mayor and Council Communication G-18068.

Ms. Jennifer Garcia, 1801 Virginia Street, completed a speaker card in support of Mayor and Council Communication G-18068 and was recognized by Mayor Price but did not wish to address Council.

Motion: Council Member Scarth made a motion, seconded by Council Member Espino that Mayor and Council Communication G-18068 be approved.

City Attorney Fullenwider advised that Judge Harper recommended approval of this application while serving in the capacity of an impartial hearing officer and not a municipal judge. She added that the City Council appointed Judge Harper as a hearing officer by resolution adopted in September 2013 to make a recommendation to the City Council on United's application. The appointment was a result of due process concerns in the initial proceedings and this was a unique situation. The referral to the "court" in the M&C was in error and the attachment signed by Judge Harper was not an order of the court but a recommendation to the City Council in her capacity as a hearing officer. Judge Harper, as a hearing officer, had no authority to order the Council to issue United's request for operating authority.

Motion: Council Member Scarth amended his motion, seconded by Council Member Espino, that Mayor and Council Communication G-18068 be approved with the clarification that Municipal Judge Benita Harper recommended approval of the application of Maredi Corporation d/b/a United Cab Service while serving in the capacity of a hearing officer, not as a municipal judge, and the record should reflect the clarification provided by City Attorney Fullenwider in the M&C and the attachment and Ordinance No. 21097-01-2014 be adopted. The motion carried 5 ayes to 4 nays with Mayor Pro tem Zimmerman and Council Members Bivens, Jordan, and Allen Gray casting the dissenting votes.

**2. M&C G-18109 - Approve 2013 Ad Valorem Tax Roll (ALL COUNCIL DISTRICTS)**

It was recommended that the City Council approve the 2013 Ad Valorem Tax Roll.

Motion: Council Member Burns made a motion, seconded by Council Member Espino, that Mayor and Council Communication G-18109 be approved. The motion carried unanimously 9 ayes to 0 nays.

**D. Land**

**1. M&C L-15654 - Authorize Sale of Two Hundred Ninety Tax-Foreclosed Properties in the Aggregate Amount of \$1,043,203.62, in Accordance with Section 272.001 of the Texas Local Government Code and Section 34.05 of the Texas Tax Code, Subject to the Consent of All Other Taxing Entities Who Were Parties to the Foreclosure Lawsuits (COUNCIL DISTRICTS 2, 3, 4, 5, 6, 8 and 9)**

It was recommended that the City Council authorize the sale of 290 tax-foreclosed properties in the amount of \$1,043,203.62, in accordance with Section 272.001 of the Texas Local Government Code and Section 34.05 of the Texas Tax Code, subject to the consent of all other taxing entities who were parties to the foreclosure lawsuits; and authorize the execution and recording of the appropriate instruments conveying the properties to the highest bidders in compliance with the bid form specifications to complete the sale.

Motion: Council Member Bivens made a motion, seconded by Mayor Pro tem Zimmerman, that Mayor and Council Communication L-15654 be approved with appreciation. The motion carried unanimously 9 ayes to 0 nays.

**E. Planning & Zoning**

**1. M&C PZ-3046 - Adopt Ordinance Vacating a Portion of West Broadway Avenue and a Portion of Grainger Street Between West Broadway Avenue and West Peter Smith Street for a New Medical Office Building (COUNCIL DISTRICT 9) (Continued from a Previous Meeting)**

It was recommended that the City Council adopt an ordinance vacating and extinguishing a portion of West Broadway Avenue and a portion of Grainger Street between West Broadway Avenue and West Peter Smith, situated in Block 36, Jennings South Addition, an addition to the City of Fort Worth, Tarrant County, Texas; and containing approximately 0.4706 or 20,498 square feet acre of land more or less for a new medical office building; providing for reversion of fee in said land; providing that the City shall retain all existing utilities; and waive any and all purchase fee value of the vacated land in accordance with City Policy (Mayor and Council Communication G-15624).

Motion: Council Member Burns made a motion, seconded by Council Member Scarth, that Mayor and Council Communication PZ-3046 be continued to the January 28, 2014, Council meeting. The motion carried unanimously 9 ayes to 0 nays.

**2. M&C PZ-3049 - Consider Institution and Adoption of Ordinance for the Owner-Initiated Annexation of Approximately 21.0 Acres of Land in the 6900 Block of Boat Club Road (COUNCIL DISTRICT 2)**

It was recommended that the City Council consider instituting and adopting an ordinance declaring certain findings; providing for the extension of certain boundary limits of the City of Fort Worth; providing for the annexation of an approximately 21.0 acre tract of land situated in the William E. Conwill Survey, Abstract No. 342, situated about 8.7 miles north 35 degrees west of the Courthouse, Tarrant County, Texas (Case No. AX-13-006), in the 6900 block of Boat Club Road, which said territory lies adjacent to and adjoins the present corporate boundary limits of Fort Worth, Texas; providing that the territory annexed shall bear its pro rata part of taxes; providing that the inhabitants thereof shall have all the privileges of all the citizens of Fort Worth, Texas.

City Secretary Kayser stated that Zoning Docket ZC-13-131 was the companion case to Mayor and Council Communication PZ-3049 and would be moved up on the agenda:

The City Council, at its meeting of November 19, 2013, continued Zoning Docket ZC-13-131.

**1. ZC-13-131 - (CD 2) - Texas American Properties, 6900-7000 block of Boat Club Road; from: Unzoned and "PD-670" Planned Development for a facility to create manufactured homes to: "A-5" One-Family, "C" Medium Density Multifamily and "E" Neighborhood Commercial (Recommended for Denial without Prejudice by the Zoning Commission) (Continued from a Previous Meeting)**

Motion: Council Member Espino made a motion, seconded by Council Member Shingleton, that Mayor and Council Communication PZ-3049 and Zoning Docket ZC-13-131 be continued to the March 18, 2014, Council meeting. The motion carried unanimously 9 ayes to 0 nays.

**F. Award of Contract**

**1. M&C C-26642 - Authorize Execution of a Communications System Agreement with the City of Crowley for Participation in the City of Fort Worth's Two-Way Public Safety Radio System at No Cost to the City of Fort Worth (ALL COUNCIL DISTRICTS)**

It was recommended that the City Council authorize the execution of a Communications System Agreement with the City of Crowley for participation in the City of Fort Worth's Two-Way Public Safety Radio System. The City of Crowley will reimburse its share of operations and maintenance to ensure no cost to the City of Fort Worth with annual reimbursement estimated to be approximately in the amount of \$55,584.00. In addition, the City of Crowley will reimburse the City of Fort Worth for its share of the Software Upgrade Agreement.

Council Member Jordan advised that he had filed a Conflict of Interest Affidavit with the City Secretary's Office and would be abstaining from voting on this item.

Motion: Council Member Burns made a motion, seconded by Mayor Pro tem Zimmerman, that Mayor and Council Communication C-26642 be approved. The motion carried 8 ayes to 0 nays with 1 abstention by Council Member Jordan.

**2. M&C C-26643 - Authorize Execution of a Contract with Conatser Construction TX, LP, in the Amount of \$1,149,334.00 for Water and Sanitary Sewer Replacement Contract 2003, STM-B on Willis Avenue from Old Benbrook Road to Southwest Boulevard, Provide for Project Costs and Contingencies for a Project Total in the Amount of \$1,243,306.00 and Adopt Appropriation Ordinances (COUNCIL DISTRICT 3)**



It was recommended that the City Council authorize the transfer of \$1,243,306.00 from the Water and Sewer Operating Fund to the Water Capital Projects Fund in the amount of \$1,109,354.00 and to the Sewer Capital Projects Fund in the amount of \$133,952.00; adopt an appropriation ordinance increasing estimated receipts and appropriations in the Water Capital Projects Fund in the amount of \$1,109,354.00 from available funds, for the purpose of funding a contract with Conatser Construction TX, LP, for Water and Sanitary Sewer Replacement Contract 2003, STM-B; adopt an appropriation ordinance increasing estimated receipts and appropriations in the Sewer Capital Projects Fund in the amount of \$133,952.00 from available funds, for the same purpose as reflected above; and authorize the execution of a contract with Conatser Construction TX, LP, in the amount of \$1,149,334.00.

Motion: Mayor Pro tem Zimmerman made a motion, seconded by Council Member Bivens, that Mayor and Council Communication C-26643 be approved and Appropriation Ordinance Nos. 21098-01-2014 and 21099-01-2014 be adopted. The motion carried unanimously 9 ayes to 0 nays.

**3. M&C C-26644 - Authorize Execution of a Contract with Woody Contractors, Inc., in the Amount of \$1,011,464.25 for Water and Sanitary Sewer Replacement Contract 2009, WSM-J on Meadowbrook Drive and Sycamore Terrace, Provide for Project Costs and Contingencies for a Project Total in the Amount of \$1,087,464.25 and Adopt Appropriation Ordinances (COUNCIL DISTRICT 8)**

It was recommended that the City Council authorize the transfer of \$1,087,464.25 from the Water and Sewer Operating Fund to the Water Capital Projects Fund in the amount of \$846,399.25 and Sewer Capital Projects Fund in the amount of \$241,065.00; adopt an appropriation ordinance increasing estimated receipts and appropriations in the Water Capital Projects Fund in the amount of \$846,399.25 from available funds, for the purpose of funding the execution of a contract with Woody Contractors, Inc., for Water and Sanitary Sewer Replacement Contract 2009, WSM-J; adopt an appropriation ordinance increasing estimated receipts and appropriations in the Sewer Capital Projects Fund in the amount of \$241,065.00 from available funds, for the same purpose as reflected above; and authorize the execution of a contract with Woody Contractors, Inc., in the amount of \$1,011,464.25.

Motion: Council Member Allen Gray made a motion, seconded by Mayor Pro tem Zimmerman, that Mayor and Council Communication C-26644 be approved and Appropriation Ordinance Nos. 21100-01-2014 and 21101-01-2014 be adopted. The motion carried unanimously 9 ayes to 0 nays.

**4. M&C C-26645 - Authorize Execution of a Contract with S.J. Louis Construction of TX, Ltd., in the Amount of \$1,048,899.50 for Water Relocation on State Highway 114, Part 2, from Championship Parkway to F.M. 156 and Provide for Project Costs and Contingencies for a Project Total in the Amount of \$1,111,399.50 (COUNCIL DISTRICT 7)**



It was recommended that the City Council authorize execution of a contract with S.J. Louis Construction of TX, Ltd., in the amount of \$1,048,899.50 for Water Relocation on State Highway 114, Part 2, from Championship Parkway to F.M. 156 and provide for project costs and contingencies for a project total in the amount of \$1,111,399.50.

Motion: Council Member Shingleton made a motion, seconded by Council Member Espino, that Mayor and Council Communication C-26645 be approved. The motion carried unanimously 9 ayes to 0 nays.

**XV. ZONING HEARING**

The City Council, at its meeting of December 10, 2013, continued Zoning Docket ZC-13-143.

**2. ZC-13-143 - (CD 3) - Lockheed Martin Recreation Association Inc., Etal. 5750 & 5780 Bellaire Drive South and 3400 Bryant Irvin Road; from: "A-5" One-Family, "C" Medium Density Multifamily, "E" Neighborhood Commercial, "G" Intensive Commercial, and "OM" Office Midrise to: "G" Intensive Commercial and "PD/MU-2" Planned Development for all uses in "MU-2" High Intensity Mixed-Use with a waiver for minimum height and to exclude uses; site plan waiver recommended. (Recommended for Approval by the Zoning Commission) (Continued from a Previous Meeting)**

Ms. Flora Brewer, 6708 Ashbrook Drive, appeared before Council in support of Zoning Docket ZC-13-143.

The following individuals appeared before Council in opposition of Zoning Docket ZC-13-143:

Mr. Malcolm Street, 2812 River Forest Drive  
Mr. R.J. Grogan, Jr., 2808 Fairmont, Dallas

Mr. Jefferson Edwards, 3241 Rosemeade Drive, completed an undecided speaker card relative to Zoning Docket ZC-13-143.

Motion: Mayor Pro tem Zimmerman made a motion, seconded by Council Member Jordan, that Zoning Docket ZC-13-143 be continued to the February 4, 2014, Council meeting. The motion carried unanimously 9 ayes to 0 nays.

The City Council, at its meeting of December 17, 2013, continued Zoning Docket ZC-13-158.

**3. ZC-13-158 - (CD 2) - Rita & Blas Rodriguez, 2421 Pearl Avenue; from: "A-5" One-Family to: "PD/A-5" Planned Development for all uses in "A-5" One-Family plus inside storage of roofing materials only; site plan included. (Recommended for Denial by the Zoning Commission) (Continued from a Previous Meeting)**

Motion: Council Member Espino made a motion, seconded by Council Member Shingleton, that Zoning Docket ZC-13-158 be continued to the February 4, 2014, Council meeting. The motion carried unanimously 9 ayes to 0 nays.

The Notice of Special Hearing set today as the date for the hearing in connection with recommended changes and amendments to Zoning Ordinance No. 13896 and that notice of the hearing had been given by publication in the *Fort Worth Star-Telegram*, the official newspaper of the City of Fort Worth, on December 30, 2013.

**4. ZC-14-005 - (CD 9) - Fort Worth Midtown RV Park, 2906 W. 6th Street; from: "E" Neighborhood Commercial to: "UR" Urban Residential (Recommended for Approval by Zoning Commission)**

Mr. Robert Baldwin, 3904 Elm #B, completed a speaker card in support of Zoning Docket ZC-14-005 and was recognized by Mayor Price but did not wish to address Council.

Motion: Council Member Burns made a motion, seconded by Council Member Shingleton, that Zoning Docket ZC-14-005 be approved. The motion carried unanimously 9 ayes to 0 nays.

There being no one else present desiring to be heard in connection with the recommended changes and amendments pertaining to Zoning Ordinance No. 13896 for the above listed cases, Council Member Burns made a motion, seconded by Council Member Shingleton, that the hearing be closed and that Ordinance No. 21102-01-2014 be adopted. The motion carried unanimously 9 ayes to 0 nays.

**XVI. CITIZEN PRESENTATIONS**

Ms. Michelle Lowry, 9925 Westridge Road, completed a Citizen Presentation card relative to police assistance regarding criminal activity and was recognized by Mayor Price but was not present in the Council Chamber.

Mr. Roy Walker, 800 Chase Circle, appeared before Council relative to the National Association of Men United.

Ms. Dianna Wilson, 5816 Village Course Circle #326, appeared before Council relative to clean-up efforts on Mansfield Highway.

**XVII. EXECUTIVE SESSION (PRE-COUNCIL CHAMBER) - SEE ATTACHMENT B**

**XVIII. ADJOURNMENT**

There being no further business, Mayor Price adjourned the Regular meeting at 8:46 p.m. in memory of Officer Diana Ruelas, Code Compliance Department, who passed away on January 9, 2014.

These minutes approved by the Fort Worth City Council on the 28<sup>th</sup> day of January, 2014.

Attest:

Approved:

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Mary J. Kayser  
City Secretary

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Betsy Price  
Mayor